

April 4, 1998 - Memphis

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heard under oath. When i see a court act like way court of appeals has acted in this state, in unprecend fashion, i become outraged. So blatantly clear that politics and power have moved in. [talks about media/intelligence connections, quotes phillips on bringing out "the mighty wurlitzer."]

Judge Joseph Brown - didnt always agree w/us or rule w/us, not prejudiced re Ray, very critical of Ray at various times and his actions. But he was impartial in terms of what a judge shld be, wanted to get at the truth and open up doors that been long closed. A man of enormous courage. Felt greayt personal/prof loss when they removed him from this case. Think bec that has been done, we are at the end of the road. Think we have lost. Think there is not a possib for a trial now. Ray is dying, not much time left. Only a med furlough or enuff \$\$ for liver transplant wld benefit Ray. When removed judge brown, that sealed our fate legally in this state of Tenn. To lasting shame of crim justice system here. He can speak out, does have to run for re-election.

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JUDGE BROWN: one time in my exper as a hunter, i had a guide, a tracker if u wld, and the game we were seeking never mind what it was, is something that was losing. And the tracker looked at the ground when we got to a certain location and started to read the signs. Following him, we got something of an education, that is myself and a small hunting party. He was able to give us a narrative as to what the quarry had been about, as it passed the way we were proceeding. Frankly i clndt see a thing. But to him it was quite clear bec he knew how to read the signs. We came upon

the game and we were succ in that hunt, basically because the travcker w/his arcane expertise was able to track the sign of this animal that was otherwise invisible to the untrained eye.

Well, in this case involving James earl ray, i found one morning that it was on my calendar and I had been totally unaware of that until the prosecutor in this case, mr campbell, came to attempt to approach me and discuss this case off the record, which is of course improper. I declined to do this. That was the first of a number of ex parte approaches by the state to engage in what are basically improprieties. In any event I was ultimately confronted w/ a question: w/the application of the modern sci methodology, is this in fact the rifle? As the rifle was excluded from the ----- of being the murder weapon, does this fact alone based on an assessment of the entire body of evidence cause JER to be innocent, ie mandating a new trial? In other words, if the weapon was excluded, i was to conduct an analysis and an evaluatoion of the entire case - and then write an opinion relative to my assessment.

JER even in the event that the rifle been excluded might have still been found legally guilty of being an accessory, an aider and abettor or a conspirator. I wont touch upon that. But i do know what i saw in terms of the hard evidence, in terms of what's in that file relative to those things that the untrained might never notice. I would remark initially upon the category of socalled experts that everyone has been relying upon in this case. The level of expertise, if they had any such, was extremely low. They had long histories of

being able to look at bullets under a microscope and using relatively primitive technology to make an analysis subjectively as to whether in their opinion such-and-such bullet matched a sample that they were attempting to compare it with. That was the extent of their expertise. They had very little knowledge if any about rifles and firearms in general.

They found me w/the knowledge that I just happened to have had as an individual. Amongst other things, I am listening here today and I have read in the record the big to-do about the mark in the window seal that the boarding house where the rifle was supposed to be found. Well let's talk about the rifle. It's a 760 Remington Game-Master, a pump action, just like a 12-gauge pump shotgun. There is very little call for this weapon in any other part of the country other than the eastern seaboard, where certain states forbid the use of semiautomatic weapons in deer hunting. It's fast action but it's not as powerful a weapon. There's a peculiar thing about this weapon. If you do not rest, if you're attempting to use a rest when you shoot it, the weapon under the middle of the receiver, out behind the grip that is affixed to the pump action, the weapon does not shoot where it is sited in. Any hunter will tell you that if you are attempting to use a rest to shoot game, you put your coat, your hat, your pack, something under the rifle barrel - and you do not allow the rifle barrel to touch hard wood, rock or anything else because your weapon will not shoot where you have sited it in to shoot. Assuming you've sited the weapon

in. If anyone placed the weapon on that window seal, sufficient to cause an indentation in the window seal, you can guarantee that whatever they were shooting at would not have been hit. Because the weapon would not have hit where it was sited in to hit.

Now Preston Battle, the honorable late initial judge who handled this case, said this on the record. He was firmly convinced that if JER in fact did the killing, he did not act alone. Now JER in the record is said to have a gunshop and purchased a 243-caliber weapon. It says he was told by others that this was not a suitable weapon for the purpose. Others, o-t-h-e-r-s, I'm assuming that means the same to everyone else that it does to me. He returned...The 243 to exchange it for a 30.06. Whereupon he had a scope mounted on the weapon in the gunshop. There's an interesting thing about the Remington 760 Game-master. The breach of the weapon is closed by the receiver, dont worry about what this means it's rather arcane. It means that you cant simply do what you would do w/a bolt action, which ordinarily wld be the weapon of choise if u were going to commit any sniping activity bec it's far more accurate. It means that you cant simply take the bolt out, prop this weapon up on some cushions and sandbags, anything that does not move, look down the bore at some object a hundred yards distant, center that object in the bore and then take your scope site using the adjusting screws, move your crosshairs until they center the object approx 100 yards away while that object is cetnered in the bore. That's called bore siting. What you'd have to do is colonate? The weapon, that



means you stick something that looks like a small telescope in front of the muzzle of this weapon w/an adapter and you attempt to get the crosshairs of the scope registered on the crosshairs of this colonator device that is inserted into the muzzle.

The gunshop in question did not possess such a colonator. So the scope was simply bolted to the top of the rifle. Now it has been my personal experience when siting in more than 60 rifles in my lifetime of various calibers over the last 30 years or so, if you colonate a weapon, bore-site it or whatever, and u take it to the range to continue to calibrate it so that it hits what you're trying to hit, and u place a target which is maybe 4-5 feet square on a target rack at 25 yards, you will probably be lucky if the weapon hits paper. And then u crank in 25-30 clicks to the right, 15-20 up, and u get it approximately to the center of that paper at 25 yards. Then you back off to approx 100, and then u fire again, and u keep adjusting ur sites until u hit what you're trying to hit.

That was not done in this case. It would be the most profound accident i've ever heard of, if u simply bolted a scope to the top of that weapon and u were able to achieve suffic accuracy at 100 yards to hit ur target. I wont speak on the number of times that just out of curiosity i took people who had little experience in firearms to a range or to a measured 100-yard stretch of open ground in the country, set up a silhouette target, and allowed them the opportunity to attempt to hit the head of that target. I can tell u that, w/the exception of certain experienced riflemen, there was zero success.

Now that's just one thing that's out there. There's another little something. Ammunition companies compete with each other for sale of their products. In other words, the company w/the most accurate ammunition sells the most of it. Remington, Winchester, Federal and a number of others were in high competition about that time, to corner the market. One of the things that u might know is when an ammunition company makes ammunition, they do not have a machine dedicated to a particular caliber. They make a run, several million of this particular item that's relative to that caliber, and then they change the machinery to something else. So there might be a run of 15 million 30-caliber 150-grain bullets, 180-grain bullets....Whatever the specification might be. And all of those bullets are roughly similar. About a year or so later when they convert the machine back and attempt to make the same thing, there are subtle differences - and those differences have a grave effect upon the accuracy of the trajectory. So what the ammunition companies always do is, ? Them by what they call lots. A lot is one run. You take the lot of 150-grain bullets....U run a marker that has a lot number. Take a run of cases<sup>r</sup> and that run has a lot number....Make a run of charges that you're gonna use to ignite the charge, and that has a lot number....When they change anything, they change the entire lot number of loaded<sup>i</sup> ammunition.

Now there are other subtle things different with these lots. Eg, if u take----analyze, u will find composition of the metal in the various components will change from lot to

lot. Now what I saw in this record, in very abrupt and abbreviated report from the FBI relative to such things, is there is a cartridge case that is said to have been fired from this rifle. They found other unfired cartridge cases, with bullets, powder, primary --- intact along w/the weapon. Well they couldn't shave them a brass from a fired cartridge case, they took a shaving of brass from the unfired cases and they made an analysis. Metallurgical analysis revealed the fired cartridge case and the unfired cartridge case were all from the same lot. They took a sample of the lead from each of the unfired bullets and they analyzed those 4 unfired bullets, they all were from the same lot. They took a sample from the leaded core of the bullet they removed from dr martin luther king. Guess what? It is not from the same lot. That's a red flag, ammunition companies say clearly without equivocation they never do that. The bullet that was removed from dr martin luther king was sent to the FBI intact. What they sent back was fragments. There is a picture of the intact bullet. I will tell u now that in the last 4 years that photograph, which was marked into evidence, is missing.

Which incidentally was one of the reasons why the court exercised the prerogative under statute to have the files left in its office rather than downstairs. There were a number of items that were removed from the case, a number of things that were leaked, and there was another incident where the court had to send one of its bailiffs to physically stop an individual while this case was pending from removing the bullet fragments from the courthouse. This individual had

gone to the property room, they had given the fragments to this individual as he was leaving the courthouse. Now - that's not kosher. What you've got in terms of the physical evidence relative to ballistics, if you know how to read the sign of the spore, is frightening. I won't touch on it anymore at this time.

The conduct of the attorney general's office in this case is highly unusual. They had a select committee that they formed, at taxpayers expense, supposedly to conduct an investigation that resulted in this 30-32 page report they released week before last. I don't know what it had to do w/the investigation, but a lot of their activities had a lot to do with following the judge, videotaping the judge coming out of restaurants and with his associates, sending individuals to attempt to contact the judge in the case and place him in compromised situations. One of whom incidentally has made the statement to law enforcement officials, that statement's been recorded, and he said quote I don't know what they have against this judge, he's just trying to be honest and they're trying to get me to see if I can't get him in a compromised situation. I don't know why they're trying to do this, or what they are afraid of."

I was jogging down the street in my neighborhood, became aware that I was being followed, somebody came up eventually and decided to say a good lawyer over here told him to come talk to me etc etc etc. ....Tell u what u need to do, I'll give u the name of the senior law enforcement official, u go talk to him. Apparently the people on this investigation



committee that the AG's office had put together became rather upset, there was a dialogue they had with a law enforcement official who will remain unnamed at the moment, about why did he have a conversation with this person. Interesting what transpired as a result from that.

I dont know whether or not james earl ray would be lehgally guilty, but i can sit here as an elected judge from the 30th judicial district state of tennessee presiding over division 9 of the criminal courts in memphis and tell you that there is sufficient evidence in this case to scream out to any decent person that a criminal investigation is mandated to determine what other persons were involved in this. END SIDE 4 TAPE

...Judges are not supposed to do this. Well they can take it and go to hell with it! They can shove it! 30 years ago today, a man who was trying to speak about truth and the conscience of America was slain in this city because of that. He gave his life. I can say the devil with it, this job as a judge is not as important as a man's life. And if I have to risk that, then go to hell anybody that doesn't like it! [loud applause constantly here]. I have a very good idea what really happened in this case, from going thru these files and scrutinizing them. And if necessary I will withdraw from this race and won't run or resign if it takes that to bring the truth forth. But it needs to be brought forth, because this is more important than any one individual. This involves a child of history, one of those people that God sends every now and then to deliver a message to mankind, that involves a

prophet, a man who was trying to be about the business of peace, a man who was about the business of bringing black, brown, red, yellow, white, all of America together so it could remain the best in the world. That was that man's business, and that is my business, and that I think is the business of everyone assembled here today.

Now I do not fault the memphis police department. They did what they did. Captain Smith I've always had the greatest respect for when he was head of homicide...And i was a defense lawyer. Though at one time i was the first black prosecutor for the city of memphis. But I do know that this attorney general's office that has spent \$1.8 million on a campaign, an ad campaign, that says we do not plea bargain on serious cases, I do know that they had 3 defendants in my courtroom this year, two of whom on a first-degree murder case they allowed to bargain it down to 2nd-degree. They confessed, the deceased gave an identification of them, ironclad identification, they had the goods on them but they let them plea bargain to 2nd degree rather than 1st degree. I do know that i get plea bargains every day. I do know that i get law enforcement officers, including captain smith, homicide officers who tell me their frustration when things turn up missing in investigations. I do know that i actually had a homicide case in front of me where the detective involved was very perplexed when he attempted to retrieve some information and says i dont understand this i've been an officer for 27 years but somebody's destroyed the entire file 3 weeks before the trial. Central REcords is supposed to have amicrofilm of

all homicide files, had the first two pages and they could not explain it but the rest was missing. The AG's office that supposedly had the original file declared they cldnt find it. A copy of it was over at the R&I for the initial copy to go into microfilm was missing. And all the records in the property room seemed to have disappeared. And that was a very questionable case. I wont get into that because there is a pending investigation.

I wont get into all the times that from a place that's supposed to be so tough on DUI, I recall the case where a prominent businessman had his 4th DUI in less than 2 years. .28 VAC, 4-5 car wreck on the interstate....Caught passed out drunk behind the wheel. They offered him 6 months suspended, 6 months probation, \$500 fine on reckless driving, \$50 on driving on a revoked license. I wont mention a drug seizure search warrant to a home in east memphis, germantown, one defendant caught actually cutting some of the cocaine. They attempted to give false information that he was found with 300ths of a gram of cocaine during the search warrant. After I discovered that he had bought a Twin Force Targa cash the year before, spent \$18,000 for 3/100ths of a gram of cocaine, found out that he had an amount enough to make 3 1/2 kilos he was cutting. 50 hits of LSD, 200 qualludes and preludes, windopane, mescaline. Those are class A felonies 15-60 years, half million \$\$ fines, 24 years in the federal penitentiary, several million \$\$ in fines and they were attempting to let this person go on a plea bargain, to 3 years, upfront probation for judicial diversion so this person would have no record. I wont talk about incidents like that.

I read this report that they have, such as I was able to get out of it, it's absolutely ridiculous. And Dr King came here 30 years ago and was slain, to say that all Americans should work together. In this city where he died, we had great progress and we find that if we go in most of the agencies and institutions in this county, we will find integration, gender representation that basically is equal, a great deal of merits in the employees. But if we go to the district attorney general's office, we will find that where 84% of the defendants are african-american, 86% of the victims of crime in shelby county are african-american, and 93.7% of the folks that are incarcerated for criminal activities are african-american. Until this month 2.7% of the head law enforcement agency, the district attorney general's office, was african american. They had 214 employees and only 7 african-americans. They had no afr-amer secretaries, 2 file clerks, 1 investigator that's been there for 20-some years, 1 on loan to the police dept, and 3 junior lawyers. They were sued under title 7, there's pending lawsuit against them, this last month i think they've hired 5 afr-amer. That makes a total of 12 out of 214. They have less than 30 females so there's a gender problem there, they have no hispanics, no asians, only a handful of those of the jewish faith. We have a problem in this county and i'm not surprised at the results of the investig, not surprised at the attitudes that have been reflected in the investig, not surprised at the course of conduct that has been engaged in by the people responsible for protecting the interests not only of the citizens of this



state, this county, but advancing the interests of the whole world in finding out what happened to Dr King - so we can have atonement and have closure - i'm not surprised.

I'm not surprised that the DAG's office went all the way to the US Supreme Court to have the principle ratified by that august body that the victims family has an absolute right to be heard, relative to the disposition of a homicide case. I'm not surprised that they fought tooth and nail and engaged in the worst disrespect i've seen by prosecutors in a courtroom in 25 years to prevent the widow of Dr King and his son from being allowed to be heard in open court as to their wishes. I'm not surprised. But that has got to STOP. That is egregious, that is not right.

I'm not surprised that the appellate courts - they do what they feel they have to do - but then again let's get some historical perspective. This is the same state whose appellate courts upheld the results of the Scopes trial. That mockery that this state still has to hang its head in shame behind, 60 some years later.....[recalls looking at articles from 1960 in Memphis papers, re to what has happened on appellate level "and how crazy yours truly is, about his buffoonish conduct in the courts and how the AG's office - the honorable Don Campbell - has said it's time to move on, there'll always be someone who's not satisfied with anything you do. I think u need to get a message to him that who's not satisfied is most of the rest of this city - most of the rest of this county - most of the rest of the United States of America and most of the rest of the decent people in this world!

Excuse the liberty but i'm probably gonna catch all kinds of hell for these remarks, so I thought I'd at least give you enough of a plate for the hell i know i'm gonna get....Please put this out there, you can take it go to hell and shove it if being less than a man is what is required by holding this office. Thank you very much.

BROWN (after): 608B says a judge can interrogate witnesses. Rule 714 says in reference to expert witnesses, the judge can even call expert witnesses....[asked why he waited so long to come forward?] Nobody asked me. And time had to elapse so they could let that 30 days run on me....What's come up is whether somebody's gonna conduct an investigation and get to the bottom of it. U can ask such questions as, who financed the itinerary? How does an escaped convict on the lam afford the itinerary that they established - already been paid for and provided. How do you pay for that? Who provided the funds? Who got the passports together? Where did somebody get the information relative to the false identifoications? Who were the others that got it in there? Indicated it's an improper weapon. See these are questions that need to be raised and asked. And asked.

PEPPER [asked him about Posner shooting him down on Grabow, Wilson etc] these witnesses are not perfect. Only<sup>1</sup> thing i'm saying is look let's put them under oath. If they can shoot them down, let them, we've said that from the beginning. He didnt interview any witnesses, he just did his usual type of work i'm afraid. He talked to me on the

If DA/Bill Gibbons has all this, let's lay it on table.  
Raul auto worker fine, let's talk to some of his friends.  
Time that pepper, gibbons, John Campbell sit down for serious  
round-table.

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JUDGE JOE BROWN: It's obvious from looking at everything that's in that file, this matter is not resolved. There's no way an intelligent reasonable person can examine what's in that file, what's in this case, and say that we have 1 individual who's in the penitentiary who is solely responsible for the death of Dr MLK. The reason we must go forward and resolve this matter is for the children. Generation X is coming of age and there's going to be leadership that will come out of this generation and the one behind it. There will do things to offend the power structure, just like we did things in the 60s, 50s or 70s....To protect this new generation from this type of response by the system, we must expose, we must dismantle the mechanism and we must do something profound so that somebody's brought to justice as a deterrent so this does not happen to the children when somebody says we can step outside of the law because we believe our cause is holy. In this case, what it was all about is somebody was attempting to take the tack that we have this "demon of world communism facing our great democracy and need to take steps to protect it from those who would tear it down." When Dr King stepped over the line from just being civil rights oriented to dealing w/the economy and labor, and talking about the war, then that whole thing kicked in. It is

not about james earl ray, it's about what else has gone on out there.

Now singularly missing what i have seen in this record is an examination of who financed the itinerary. U've got the itinerary, who paid for it? That's one of the things u need to look at. How was the hotel paid for? The airline far? Where did it come from? Track down the passports that were seized. What's the common thread w/the individuals that are the subjects of these fake identifications? How would someone go about acquiring the information?

We talked about the rifle yesterday, which was the subject of the inquiry i conducted. It's not there. Not the right type of rifle, never been sited in, wrong kinda scope, wrong kind of equipment. Person who does not know how to use it. Metallurgical analysis exclude the bullet from the body of dr king from coming from the cartridge case they say was fired in that rifle. That socalled dent in the window seal is a complete red herring because 1, if you're a rifleman you simply do not rest a bare rifle against a hard surface, u're guaranteed to miss ur target. U've got a downward trajectory which wld require someone to aim under the target in order to hit at what u're shooting at. These are things that you require some experience with. U've got an odd distance involved in the shooting, espec from the claimed location of the shot. With a 30.06 it makes a particularly difficult shot shooting downhill in that circumstance u had. U dont have the thing that adds up to what u need.

What's likely to have happened also, if you get into the mechanics of doing some shooting, if u've ever set in a deer



stand waiting on a deer u know the hardest bloody thing is to keep ur rifle in a position that's handy so u can quickly get to it w/out tipping ur position by ur movement. U simply dont have the rifle hanging out of something that....What seems to have happened is that somebody who was at the hotel, who was closely privy to the comings and goings of dr king, made a call - and notified whomever was the real sniper that dr king was shortly coming out on the balcony. That's how this went down. U've got somebody who was not remote, but somebody that was close who was involved. That has a lot to do with the posture of what u've seen in the investigation. U've got political purposes here, somebody the AG is trying to run for mayor in 99 is a possible idea and objective. He's running for governor eventually, they're grooming him for that. Dont want to embarrass him. But then again u run into what u ran into when somebody made some remarks in clayborne temple the other night - dr. Lawson. U see, u've got a situation here where u have not had an investigation conducted bec u went the wrong places to do the investigation. Go find out the facts on the ground, you get some real evidence that is ur hard evidence and then u start seeing what that indicates and go there - u dont do wild goose-chases trying to find this that and the other person....

What are u looking at? Everyboy's talking about somehow or another u've got a government implicated in this. U've got a director of the FBI who has a pathological hatred of dr king. U've got somebody that ran an agency w/an iron fist and whom history has revealed to frequently have violated not only

the letter and spirit of the law, but to have total disregard for it as an impediment toward his own ends which he thought was to protect america. What is the paramount phrase that explains intelligence operations? U know on a need to know basis. So you're asking people who are pretty well low down on the totem pole to explain to u everything that went on. Why in the world wld u assume that they know? They're not gonna tell u. They know a small piece of the action. I would imagine Ray doesnt really know too much. What u've got in this case was a stooge whose task was to throw everybody off of the trail, that's what an analysis suggests. A 3-time loser. U can redeem urself in the eyes of ur countrymen by doing something to fight this perpetrator of communism. What do u think he knows? They're not gonna tell him much of anything.

Question: find out who pulled off the wire about his escape. Where did that come from? That's traceable. Where did the order come from? When did it come? Nobody's asked that question, nobody's gone to look at it. Find that out, you can trace things down and get leads. Trace back where he went, where is your common thread of contact. Look at what u've got in our record recently. The pan am disaster, not the one off the american coast, the one over the british isles. They left no stone unturned in doing great detective work and they come up w/several suspects, foreign suspects, very advanced plot in scheme. They can solve that but for some reason strangely here in america, w/something like this, u leave this investigation in the condition u find it in and u

want to say that a 3-time loser, an escaped convict w/no obvious financial resources, no technical knowledge, is going to not only miraculously learn how to operate, fire and direct a rifle and become a good marksman - this one individual is going to be able to acquire the resources to get identities of deceased individuals, come up with very very good forgeries for passports and fake identifications, is going to somehow acquire funds to express himself in a pre-paid very expensive itinerary and travel schedule. And then he gets himself caught because he goes thru heathrow airport but he does not know whether he is a citizen, an alien, or whether he has commonweal status. Now be real. U have to be the worst culpable moron to go for that story.

But u see a lot of things were buried bec everybody trusted j edgar hoover and the FBI 30 years ago. That was an icon, mom apple pie and the flag. And nobody questioned the lackadaisical, disgustingly inept work that they had in this case. Judge Battle in 1968 ordered the rifle re-tested. He said what i see in the record is not adequate. The rifle never got retested. He stated himself, i am sure that Ray did not act alone. Nothing was done of it. The HSCA says there was no investigation of a conspiracy. See conspiracy is only an agreement between persons to do a wrongful act. Under the laws of state of tennessee, u can criminally conspire to do a lawful thing. There's an interesting thing about conspiracy that scares the hell out of the AG's office, if they actually were to nail somebody - rules of evidence change. Any statement by any person shown to be a conspirator can be used

against any other person even if that person does not take the stand. Ordinarily a statement of a co-defendant cannot be used against another, unless the maker of the statement takes the stand and is subject to cross-examination. If u get a statement from anybody and that person dies, if u can show a conspiracy, there being no statute of limitations on a murder, u can use that statement in perpetuity against anyone and u can bring the whole chain down. And somebody really does not want what happened w/respect to Meredith to happen to individuals who may be implicated here.

U see, u dont get into a situation where all it takes as a law enforcement agency, u clean a rifle. I gave them something known as an outers file-out, it works on reverse electrolysis, u simply hook the thing out using electric current, put a rubber stopper in the muzzle, fill the bore up w/a chemical, plug the other end, turn the device on, come back in 24 hours, pull all the fouling out, u got a pristine rifle bore. I've used one myself, works excellently. That wont touch the barrel, wont harm it a bit. Then u take this weapon and u shoot it. And u analyze what u get. Sounds simple enough doesnt it? Why was somebody so damn worried about that that they fought it tooth and nail for 3 1/2 years? Jame earl ray did it, we've got the man, there's no need to go any further. Are u that arrogant and cocksure to make that kinda statement, when you oughta be anxious as the chief law enforcement agency in the county wherein the crime was committed to see if there are other perpetrators that oughta be brought to justice? Damn, they do better than that on a



DUI. What's goin on here? Why does the AG's office engage in a national campaign of slander against the King family? Some reporters have called me up and let me hear some tapes they made of comments by members of the AG's office. It's disgusting, it's revolting, it's defamation of character. U've got the same group of folk running around screaming about victims rights and they holler and they disrupt the court process for what was traditional for the new morality - saying a victim's family has an absolute right to be heard. What the sentence is gonna be, whether there is a plea bargain. To be heard in the event a person is convicted relative to whether or not the person gets the death penalty, life in the penitentiary or life w/out possibility of parole. They always do this, bring the victim's family down and parade them in front of the court or the jury, put them on the stand and let them have their say - and yet they dont want coretta scott king to have a right to say anything. They dont want dexter king to be allowed to take the stand. What goes here?

And then u turn around and u cant leave it at that, u try to slander and libel the king family - bzz bzz bzz things in the ear of other people to try and wage a campaign to discredit them. What goes on here? What gives when witnesses are sending, since the court's supposed to see to it that they get paid an indication that they have interesting evidence, u say well hold on let's see what's revealed when they come in and testify. And then when they come time to testify, they have nothing to say. Or mr campbell again, who seems to be so prone to being offended, comes in and ex parte says judge u

know we've gotten word that some of the tabloids are going to contact the defendant's expert witnesses and we're worried that they're going to leak the info before it's revealed in court and they haven't been paid and we think the court oughta see to it that they get paid. Well excuse me mr campbell, have u talked about this w/mr pepper? No I think i'll bring it to the courts. "well i'll convey this to mr pepper." I tell this to mr pepper, and mr chastain provides shortly an affidavit of indigency for mr james earl ray. And guess what's going on? Somebody is saying bzz bzz bzz, u guys haven't been paid, we'll see to it that u get paid if u switch sides.

The last hearing we had on that, they were saying we want another hearing bec these people will testify against the petitioner now, and say there's nothing to these rifle tests. Well gentleme, this is thursday, u have until mondy to provide a synopsis, written statement in writing from these geantlemen as to what they wld testify to. Well we want the court to rule on whether it's gonna recuse itself. No, u have this by monday, the court will rule on that recusal as a separate matter. They never provided it.

Interesting to look at the apellate decision. Most of the information they based it on was in error. The AG's office had a haboite of running up there to get something done before a transcript cld be prepared and then making fundamental misrepresentations to the court of crim appeals as to what transpired. And then the court of crim appeals says the judge was too involved in the fact-finding process. Well,

what does rule 608B rules of evidence say? The judge may interrogate witnesses. Case law says there is no limit to the extent to which a judge during a trial to a bench, in other words where the facts are to be determined by the judge, can question a witness. Judges generally cannot call witnesses. Rule 714 of the rules of evidence state of tennessee says, where the trial is to the bench and not to a jury, or the issue of fact is to the bench not to a jury, a judge may call expert witnesses if he does not feel that those provided by the parties are adequate. Rule 715, compensation of expert witnesses, etc etc, exp wit called by the court in criminal matters shall be compensated in the event that the defendant is indigent thru the state's fund for compensation of witnesses for indigent parties. Now if the judge can call a damn witness, if the judge can interrogate the witness, then what the hell do they mean that the judge is too much involved in finding the facts of the case and interfering w/the AG's ability to manipulate the matter through procedural devices?

Judge is biased against the state. Well, i mean that's very ironic, i suppose i should take it as a compliment. They're taking an afr-american man who's had a long history of civil rights involvement, in the 60s was known for being quite militant, and they're saying he's biased in favor of a self-avowed bigot and racist. That's really interesting. Biased against the state. Well, when u have ordered that records be sealed and the state's representatives decide that they are going to leak them anyway, when u've got a political action committee that is operating in the AG's office and they've

already picked a member to run against u and they are using the opportunity to get some political clout, what do u think's going to happen? Historically, correct me if i'm wrong, it has always been a longstanding rule in the district AG's office that no assistant wld be permitted to run against an incumbent criminal court judge, only if there is a vacancy. So they've already set somebody up to run against yours truly and they were doing it at the time and they were doing political manipulation. Tenn rule of judicial conduct says any judge subject to election may campaign at any time and make statements relative to his candidacy at any time to the news media. What was wrong there bec somebody said this is nothing but politics that u see, it has nothing to do w/the merits of the case. Never discussed, never indicated, never gave any indication or information what his ruling was going to be relative to whether or not JER got a new trial. I STILL havent given any indication. Because whether or not that was the rifle had absolutely nothing to do w/whether JER got a new trial per se. What was going on was, if the rifle was excluded, then an evaluation of the entire record must be done, a written finding of fact must be delivered by the court and in light of that exclusion, did that mandate a new trial for JER? In other words u were gonna get an afr-american man who came from LA, CA, went to UCLA, was active in everything going on, anti-war, civil rights, equal rights, gender rights, in the 60s - was gonna get a chance to write for history a synopsis of what really happened in the JER case. Now u get another idea about what the devil's going on here?



And u want to look at that piece of garbage that's 32 pages long, filled with inaccuracies, errors, deliberate misstatements, misspellings, incorrect info - and u want to rely upon it as a statement that a 6th grade dropout, no money, on the lam who's an escaped convict w/i suppose great ties into england, great ties into the civil reporting and health systems of england, great ties into people who were expert forgers w/ID and passports, got an inside track into intl air travel, inside track into obtaining the wherewithal to do whata was required to make those reservations, accomodations and transportation arrangements in various countries - yeah. See u got another thing goin on.

I have a pretty good idea what actually happened. I'm not gonna say right now but let's put it at this pt that there needs to be investigation, i think the fed govmnt oughta do it, bec this agency here is not capable of doing it. They dont have the resources, dont have the knowledge, dont have the exprtise and they dont have anything in this state that's sufficiently sophisticated to draw upon to handle these matters. The fed govmnt oughta do an investig. Mr clinton's been over in africa apologizing for the conduct of this country relative to afric citizens who were kiudnapped and brought over here and colonial activities, and a lot of folks are real upset w/him for that. Why the devil u gonna get upset w/somebody for having the decency to apologize for some wrongdoing i do not know, but i submit it's the same attitude u see here.

Now we've got a real live problem, and until we clear this problem up, our children are in danger - bec they'll do

it again. This is 30 years after king was killed, j edgar hoover pulled this charade off and we still havent come far enuff bec the AG's office in shelby co tennessee is still pulling it off 30 years later and doing it w/feeling they can do it w/impunity. They're to be called to the carpet, raked across the coals, and a demand needs to be made as to why this farce has been perpetrated upon the people of this county, this state and this country and the world. And i really dont care that much about being a judge, to sit there and keep my mouth shut when i see this kinda injustice. They can take it and shove it. Meanwhile i may just change careers, u can watch my program starting in the fall, the judge joe brown show brought to u by the same folk that do judge judy, aaron spelling productions and big tickket televions. And again, good hunting.

[asked afterwards] That ballistics stuff needs be explained to public. I know what's been conspicuously absent from that file - nothing to investig payments, or obviously what's going on internationally. When u make a reservation at a hotel intlyy, u got to provide passport info, financ info, means of payment whether it gurrency, credit or some other kinda transfer. I dont see any of that in the record. It shld exist and if it's destroyed, u shld at least be able to get an indic as to how it became destroyed....U do not get an ordinary citizen w/out some other kinda connection coming in and causing a number of legitimate concerns to violate the laws of their country.

[asked if he can personally fight against his removal from case?] No, i'm not a party to it. They'll probably haul

me up in front of the court of the judiciary. I got stuck in front of them 8 years ago. They got a judge in this county - yeah his case again, he keeps doing it to me every time - we have a judge around here that does not have a law license, a law degree or a college degree. He got his high school diploma by correspondence i understand and has not been allowed to hear a case since 1980 bec he's not qualified. He comes in 2 days a week for 4 hours total, gets paid what i do, we have to hire 6 laweyrs to sit for him bec he's not qualified so there's no judge down there that's elected to hear his cases. So i said he was masquerading as a judge. They hauled me off in front of the court of the judiciary and had to go all the way to the Sup Court to get cleared on that except for 1 count, which i said i refuse to answer bec i want the issue public. Also think i used language that was intemperate but understandable when i said if they dont get their act together, i'm gonna put my foot deep in somebody's behind down there unquote. Which i did. In any event it wont be the first time but i'm expecting something like that to happen.

[asked if new judge must be apponted to replace him in certain amt of time?] they said down here to let the administ judge for district, not the one for crim court since I AM the administ judge for crim court, to appoint somebody. But this is an election year, i'd love to see who wanted to get that in their back pocket. And it seems mr ray is not going to go any further in appeal. So understand this issue does not die w/JER. There is no statute of limit on murder and they dont

need JER to reopen this investigation, it's just an examination of the evidence raises a guerrilla strong inference that there---  
END SIDE TAPE

[what would it take to blow this open?] Get the feds involved in it, do an honest investigation. I don't think anybody is fond historically of J. Edgar Hoover that's involved in the current administration. Be good opportunity for government to cleanse itself and say we disapproved of what happened, this is in the past, we need to move on, let's debunk what has happened in the past and let's start over for 21st century in a whole fashion.

[did you expect kind of resistance you found?] well they came to me and they had this cocksure attitude - of course we've got a formerly militant black man, he's gonna throw JER right out of court. What they did not count on is in fact, somebody understands what justice is about, that it's blind, it doesn't make any difference who is in front of you, everyone is to get the same rights. Sometimes they don't like that. I didn't pay any attention to Mr Ray's personal philosophy, all we dealt with was the issues at hand. Now actually it started out in a unique fashion. When the case came in front of me, they were saying there was new scientific technical methodology that would establish his innocence. I think there were a number of issues that were raised relative to that. What I did is denied the petition. But I said there's a loophole in Tennessee law that needs to be closed, and that is if you do not file within a certain period of time, even if there is some new scientific evidence that shows that you're pristinely innocent, you lose your judicial remedy and you have to go to the



governor for a pardon. That's repugnant to the law for a legal situation to exist that has no legal remedy. In other words a person sitting on death row condemned to die for a murder and it turns out that new DNA testing wld reveal that he is absolutely not the perpetrator - well under Tenn law at the time, there's nothing that cld be done. So what I did is say I deny the petition but I will allow the defense to make a proffer of proof for the appellate record. In other words u may test the rifle, see what u get. Well they ran up and got an immediate injunction, said i was crazy, they said they'd never heard of it and they filed an affidavit that was very interesting. It says "if the rifle is tested, it may be damaged which would prevent it from being tested in the future." they ordered me to dismiss the whole damn thing, and a week after the order came down, guess what? I had been talking w/some of the state legislators, so they passed a new law. It says there is no statute of limitations when there is new sci methodology that will establish the innocence of the petitioner. And/or he may simply request that his petition be reopned. They went & requested that it be reopened. First thing that happened was I had a hearing to determine whether that wld damage the rifle. The conclusion was it wld not, let's go ahead w/it. Next thing they ran up to the court of appeals saying they wanted it out of my courtroom, it shld go back to division 3 because that's the original trial court. They did not understand that there is a thing called trial court, a thing called appellate court and a thing called supreme court. So trial court simply meant division 8. They

sent that back down. So then they went over to somebody who had the administrative judgeship in rotation and they said, u must correct this, there's another mistake, they didnt really mean this, transfer it to another division, that didnt go - so then they went up to the crim court of appeals and they said no u cant do that go back down, so then they try it again, 3 times. We got back to the streets and we finally get these tests, and they come up w/this flimflam and I cross-examined their experts and they did not appear to be too expert to me based upon their inability to answer questions. And what did the law on experts - expert testimony is sometimes the best or the only means of arriving at the truth, but u are cautioned that u shld receive expert testimony w/SUSPICION. You are not bound to accept it, you may reject it in part or totally, u shld base ur acceptance or rejection on the witnesses ability to answer questions, his knowledge of the subject etc etc.

So the next thing they did is they tried again, and somebody filed and said no it should be in my court. We had a big to-do. And it seems every time i was out of town is when they'd do it. So they have 1 statement in the paper that this it nothing but nonsense, it's politically motivated, hell I may have said it i dont remember, i was probably full of it bec i was in jamaica and it was 2 am in the morning and we had been dancin and drinkin bahama mammas and somebody from the commercial appeal managed to track me down at a resort hotel. After we had been at the reggae festival....In any event, but then when they got thru w/that round they tried again and wanted another set of hearings and wanted to run back up.

Frankly if i'd had anything to do w/it, i wld have said that ur court of crim appeals needed to recuse itself bec there were former prosecutors involved in the JER case who had sat on or were sitting on the court of crim appeals. They were closely and personally connected w/those individ., and fact it might cast an onus upon the prosecutor's office at the time and upon their friends probably shld have recused the court of crim appeals for more valid reasons than they thot i ought to be recused. However i didnt have any say-so in the matter bec nobody asked me. Again, this is the same court sytem that brought u the scopes monkey trial.

[based on what has happened in past, can we be comfortable w/a commission that wld take control of this case?] There is a method that cld be done on the state level. We have a special prosecutor law in Tenn., says when there is a conflict in the prosec office or they seem unable or unwilling to go forward, a spec prosec can be appted, it happens all the time partic when a law enforcement official is the subject of a prosecution. Larry Parrish, who is now running for judge, was a spec prosec as is his wont on some obscenity matters - a private group hired him to go out and prosecute the topless bars, and the AG's office cooperated w/him, so did law enforcement and he was privately hired to prosec. U can have that here. I actually thot that wld have been appropriate. There is a calif case of first impression that's interesting, it says that where prosecutors are tied to a position that makes them adverse to bringing out the whole truth, they must be removed from the case bec they represent

all of the people including the accused or the petitioner, and if they're not capable of objectivity in their conduct of handling of the matter, they shld not be allowed to prosecute and they must be removed. Now that wld have some bearing on this situation. I think what u need to do is get a select cmte, but it needs to have absol nothing to do w/any of the pre--- interests in this.

[i ask if pieces done about him in press] USA Today, WSJ, on other cases. Nothing in depth. First i got everybody's attention. At one time i had the youngest person in the world on death row I got off, he was 15 and they were gonna execute him, we got a stay 45 minutes before the execution, down in arkansas. We got the case reversed on 3 different reasons by the Ark Supreme Court, got a new trial, wound up geting life on that one, wasnt really much we cld do w/it under the circumstances. But that made the front page of most papers around the world bec of the age of the defendant, in '85. Since i've been a judge, they've done a whole series of articles on my sentencing and then another series based on my theories relative to what the crim justice system has become. In synthesis, the state dept got a little wired up about it when they sent editor for South Korea's main newspaper and he sent back a thing now he understands minority relations in America. What it is, is it's based on a labor control function. See what we do in the crim court is no longer deal w/crime, we control surplus labor. See labor's a commodity and like any when u got a glut to price drop, what u do is 3fold: u cut back production, subsidize the producer and